

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
UNITED STATES OF AMERICA :

-v.- :

SUPERSIDING
INFORMATION

ZACHARY CUTLER,
a/k/a "Josh Carter," :

Defendant.

: S1 08 Cr. 356 (KMK)

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COUNT ONE

(Conspiracy to Commit Mail Fraud and Wire Fraud)

The United States Attorney charges:

Background

1. ZACHARY CUTLER, the defendant, along with others, operating mainly from an office in Central Valley, New York, conducted two related schemes focused on the mortgage industry.

2. In the first scheme, CUTLER, along with others, contacted residential mortgage brokers throughout the country and sold them lists containing names of individuals purportedly interested in obtaining mortgages. In order to induce the mortgage brokers to purchase the lists, they promised that the people on the lists were interested in obtaining mortgages, promised to introduce the mortgage brokers to the individuals on the lists through a letter or a phone call, and claimed that their company, Nationwide Data Corp., was associated with the well-known Nationwide Mutual Insurance Company. In actuality, the lists were not lists of people interested in obtaining

mortgages, the promised letters were not sent nor the promised phone calls made to the people on the lists, and Nationwide Data Corp. was not associated with Nationwide Mutual Insurance Company.

3. In the second scheme, CUTLER, along with others, contacted homeowners in and around New York City and offered them mortgages with low interest rates for as many as five years and attractive rate caps once the loan adjusted. They also claimed that their company, Nationwide Lending Group, was a member of the Better Business Bureau and/or was associated with the well-known Nationwide Mutual Insurance Company. The terms of the mortgages obtained were materially different from those offered on the phone. In addition, in actuality, Nationwide Lending Group was not a member of the Better Business Bureau or associated with Nationwide Mutual Insurance Company.

The Conspiracy

4. From in or about May 2006, through in or about January 2007, in the Southern District of New York and elsewhere, ZACHARY CUTLER, the defendant, and others known and unknown, unlawfully, willfully, and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1341 and 1343.

Mail Fraud

5. It was a part and an object of the conspiracy that ZACHARY CUTLER, the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and private and commercial interstate carriers, and took and received therefrom, matters and things, and knowingly caused to be delivered by mail and such carriers according to the direction thereon matters and things, for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1341.

Wire Fraud

6. It was further a part and an object of the conspiracy that ZACHARY CUTLER, the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, unlawfully, willfully, and knowingly, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of

executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about August 2006, ZACHARY CUTLER spoke to a mortgage broker on the telephone from the basement of a house in Central Valley, New York.

b. In or about August 2006, ZACHARY CUTLER spoke to a homeowner on the telephone from the basement of a house in Central Valley, New York.

c. In or about July 2006, a mortgage broker sent a check to Monroe, New York by Federal Express.

d. In or about October 2006, a homeowner in Bronx, New York sent a check to Monroe, New York by Federal Express.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Mail Fraud)

The United States Attorney further charges:

8. Paragraphs 1 through 7 of this Information are repeated and realleged as if set forth in full herein.

9. From in or about May 2006 through in or about January 2007, ZACHARY CUTLER, the defendant, having devised and intending to devise a scheme and artifice to defraud, as described in paragraphs 1 through 3 above, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, did place and caused to be placed in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and private and commercial interstate carriers, and did take and receive therefrom, matters and things, and knowingly caused to be delivered by mail and such carriers according to the direction thereon matters and things, for the purpose of executing such scheme and artifice, namely checks, correspondence, bank statements, and W-2s.

(Title 18, United States Code, Section 1341)


MICHAEL J. GARCIA
United States Attorney